IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.23873 of 2008
HEMANT KUMAR
Versus
STATE OF BIHAR
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2. 1.7.2008 Heard.

Petitioner is an accused in a case under sections 399 and 402 of the Indian Penal Code and section 25 etc. of the Arms Act. Petitioner was caught on the spot but nothing was recovered.

The contention is that as regards application of sections 399 and 402 of the Indian Penal Code it is doubtful whether the fact was attracted inasmuch as there could be an assembly with some prepardness, that could not be said only for committing dacoity, the accused persons might have assembled after preparing themselves to commit serious offence.

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Regard being had to the facts and circumstances, let petitioner namely Hemant Kumar be released on bail on furnishing bail bond of Rs.3,000/-(Three thousand) with two sureties of the like amount each to the satisfaction of the A.D.J.III, Barh(Patna) in connection with S.Tr. no.351 of 2008 arising out of Barh P.S. case no.393 of 2007.

sudip **(Dharnidhar Jha, J)**